

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:15-CR-138-BR
NO. 5:16-CV-819-BR

LYNDELL THOMAS,)
Petitioner,)
)
v.) ORDER
)
UNITED STATES OF AMERICA,)
Respondent.)

This matter is before the court on the government's motion to dismiss petitioner's 28 U.S.C. § 2255 motion. (DE # 45.) Petitioner filed a response in opposition to the government's motion. (DE # 48.) Having fully considered the motion to dismiss in conjunction with petitioner's motion and the documents he filed in support, the court concludes that petitioner has plausibly stated claims for ineffective assistance of counsel. Accordingly, the government's motion is DENIED. Within 30 days, the government is DIRECTED to file an answer to the § 2255 motion. Any summary judgment motion must be filed on or before 13 August 2018.

This 12 June 2018.

Paul Bitt

W. Earl Britt
Senior U.S. District Judge